



WEARE BOARD OF SELECTMEN MEETING MINUTES

APRIL 5, 2004

*****DRAFT*****

PRESENT: LAURA PETRAIN, CHAIRMAN; THOMAS REYNOLDS JR., SELECTMAN; DOUGLAS R. COOK, SELECTMAN; HELEEN KURK, SELECTMAN; LEON METHOT, CO-CHAIRMAN.

ADMINISTRATIVE COORDINATOR: ROBERT CHRISTENSEN
RECORDING SECRETARY: SHERRY BUTT DUNHAM

GUESTS: FRANK CAMPANA, FORREST ESENWINE, GINGER ESENWINE, STEVEN RICHARDSON, CARL KNAPP, WENDY CLARK, ELAYNE PIERSON, WILBUR BEAUPRE, BOB RICHARDS.

Chairman Petrain opened the Selectmen's Meeting, held at the Town Office Building, at 6:30 p.m. with the Pledge of Allegiance.

1. PUBLIC PARTICIPATION

FORREST ESENWINE—cleared-up a previous statement regarding RSA 91-A:3 II c. He said he spoke to the attorney general's office for clarification on RSA-91-A:3 II, sub-section (c). He explained that the board uses sub-section (c) to speak among themselves regarding personnel issues that adversely affect the reputation of employees and others. Mr. Esenwine said sub-section (a) covers discussion about an employee's compensation, dismissal, discipline, promotion or investigation. If the board meets in non-public under sub-section (a) then the employee, they plan to discuss, has the right to attend the session or request a public hearing.

Because the board of selectmen went into non-public on March 15, 2004 under sub-section (e)—consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body—Mr. Esenwine requested the board unseal those minutes.

STEVEN RICHARDSON—spoke about anonymous letters to the board. He said it's not the author that's important but rather the content that is significant. He

indicated the message is important not the messenger and he encourages people to address the board with their concerns.

Mr. Richardson talked about the police cruiser issue addressed in an anonymous letter and a Right to Know request he submitted for town vehicle maintenance records. He filed the request last week and received the paperwork he asked for today. He found what he was looking for in terms of the DPW vehicles, but not so for fire and police vehicles.

Mr. Richardson said he received 3-invoices for service on police cruisers—he had expected more invoices over a 3-month period of time. He noted that Mr. Jim Bobo's invoice, for work preformed on a police cruiser was vague, yet over \$600. He asked the board if the police department had the oil changed in any of the cruisers over a 3-month period? Mr. Richardson noted it was possible none of the cruisers needed an oil change in that time frame, but he said if there were oil changes and other maintenance items performed on the cruisers, then his Right to Know request was not honored.

Mr. Richardson asked the board where he might find police department fleet maintenance records? Chairman Petrain said the police department has that information. She said perhaps additional invoices are pending—perhaps the police department and the finance administrator have not received additional invoices for service at this time.

Mr. Richardson said he spoke to Ms. Pierson, the finance administrator and asked her who else pays the bills? Mr. Richardson said she is the only person who pays town bills—she pays them based on invoices received. Mr. Richardson wondered how often the finance administrator receives invoices. Chairman Petrain said it depends, but usually department heads approve the invoices and then send them to the finance office. She noted time frames vary.

Mr. Richardson asked the board if a service technician doesn't bill the town for work he's performed, how do townspeople know the work is being done by a qualified technician? Selectman Cook said he knows—he knows that Mr. Bobo is highly qualified and a certified Ford service technician who works for Autofair Ford in Manchester.

Selectman Cook asked Mr. Richardson to forward questions of this nature to the police chief. Mr. Richardson reiterated his RTK request was not properly fulfilled, and he thinks state law requires all public records be stored in one central location. The law doesn't say I need to hunt all over town looking for public records, he said. Selectman Cook told Mr. Richardson he misinterprets the law, that RSA 91-A states requests for public documents go through the proper agency.

Selectman Kurk said perhaps a police officer does some of the fleet maintenance at the police station. Selectman Kurk said she spoke to Deputy Police Chief Bill Quigley earlier this afternoon about a police cruiser going out of town. Dep. Chief Quigley told her that Officer Lou Chatel took a cruiser home to New Ipswich so he could drive it to an early morning service appointment at Autofair in Manchester. Selectman Kurk explained that having Officer Chatel drive the cruiser home the night before the service appointment saved the police department fuel and time. Selectman Kurk also indicated that a police cruiser went to New Ipswich on two occasions.

Mr. Richardson said the letter led him to believe that the cruiser went to New Ipswich frequently. He thanked the board for their answers. Selectman Cook said that is the reason he questions the validity of anonymous letters.

2. OLD BUSINESS 6:45 P.M.

MEETING MINUTES—Chairman Petrain made a motion to accept the minutes of March 23, 2004 without changes. Motion seconded by Selectman Kurk—motion carries unanimously. The board decided to review the meeting minutes of March 29, 2004 and approve them at the next scheduled meeting.

DPW BID RECOMMENDATIONS—In relation to the purchase of a new 6-wheeled truck, DPW Director Carl Knapp said the lowest bid does not meet any of his specifications. Mr. Knapp prefers the Mack and Volvo trucks quoted by McDivit. Of the two models, the Volvo is more expensive than the Mack truck (Mack is \$950. less) but he would like to purchase the Volvo because he has other Volvo's in the fleet. The Mack and Volvo have comparable specifications, he said and McDivit services both models. Mr. Knapp purchased two Volvo trucks for the town last year. He and Selectman Cook feel staying consistently with Volvo trucks might be prudent because the DPW stocks Volvo parts.

Selectman Kurk asked if the DPW would realize a \$1,000. savings in parts by purchasing another Volvo model? Mr. Knapp said no, his department will save around \$80.00. Selectman Cook made a motion to award the 6-wheel truck bid to McDivit for a Volvo model at the cost of \$74,899.00. Selectman Reynolds seconded the motion and the measure passed 4-1. Selectman Kurk opposed.

In relation to the purchase of snowplowing equipment, Mr. Knapp recommended approving the low bid with the Fairfield Company. Selectman Cook moved to award the snowplow equipment bid to the Fairfield Company at a total cost of \$43,890.00, Chairman Petrain seconded the motion, and the measure passed unanimously.

Mr. Knapp told the board he will recommend a loader bid during the next meeting. He also indicated he is working on obtaining a grant to pay for the trash compactor.

REVIEW OF NON-PUBLIC MINUTES 7:00 P.M.—the board opened and reviewed several sets of sealed non-public meeting minutes. At 7:20 p.m. Chairman Petrain made a motion to approve and unseal the following non-public meeting minutes: May 14, 2001; July 14, 2003 (a) & (c); July 28, 2003; March 15, 2004 (e). The motion was seconded by Selectman Methot—motion carries 4-1. Selectman Methot abstained from voting to unseal the March 15, 2004 minutes. Selectman Kurk abstained from voting on the May 14, 2001; July 14, 2003 and July 28, 2003 minutes.

Chairman Petrain made a motion to approve the following set of minutes: July 14, 2003 and November 17, 2003, Selectman Methot seconded the motion—the measure passes 4-1, Selectman Kurk abstained from voting.

MANIFESTS 7:23 P.M.—Selectman Chairman Laura Petrain made a motion to authorize the board of selectmen to sign manifests and order the treasurer to sign checks dated April 8, 2004 in the amount of: \$216,580.09 for accounts payable and \$34,614.95 for gross payroll at a total of \$251,195.04 and void payroll check in the sum of \$1,850.10—Motion seconded by Selectman Kurk, vote taken—motion passed unanimously.

Selectman Chairman Laura Petrain made a motion to authorize the board of selectmen to sign manifests and order the treasurer to sign checks dated April 15, 2004 in the estimated amount of: \$225,000.00 for accounts payable and \$28,000.00 for gross payroll at a total of \$253,000.00—Motion seconded by Selectman Kurk, vote taken—motion passed unanimously.

LAWN CARE CONTRACTS—Mr. Christensen said he, Mr. Chuck Metcalf and Mr. Jeff Denning will meet tomorrow to discuss ball field lawn care. Mr. Christensen handed the board a contract for cemetery lawn care. Selectman Kurk indicated she would abstain from signing this contract because she hasn't had an opportunity to review the contract or specifications. Co-chairman Methot moved to have the chairman sign the contract, motion seconded and passed.

OTHER OLD BUSINESS—Co-chairman Methot said Mr. Richardson misinterpreted a state statute last week when referring to administrative rules and public hearings. Co-chair Methot said the statute Mr. Richardson quoted applies to the state legislature not municipal boards.

EROSION CONTROL—Co-chairman Methot said he found money in the Parks and Recreation Commission's budget in the sum of \$5,000. which he feels could pay

for the erosion control project. Selectman Cook agreed. Selectman Kurk inspected the erosion problem at Chase Park and noted the board must ensure proper shoreline repair. She said some areas at Chase Park that the Parks and Recreation Commission previously attempted to fix, have deteriorated.

GAZEBO LIGHTS—currently lights at the gazebo are in use 24-hours a day. The board wants the lights either on a timer or turned-off over night. It looks nice, noted Selectman Kurk, but it boosts the electricity bill at a time when budgets are tight. One of the ways we can cut down on spending is not have lights on at 2 in the morning, Selectman Kurk said.

OIL TANK PLACEMENT—Selectman Cook read from a memo regarding the propane tanks and placement on the South Weare Fire Station property. According to what he read, buried fuel tanks will float to the surface due to the water table. Co-chairman Methot made a motion to authorize the chairman to sign the Irving Oil Contract to install 4-120 gallon tanks above ground at the South Weare Station—motion passed unanimously.

POLICE DEPARTMENT PERSONNEL POLICY—Chairman Petrain recommended sending the police department personnel policy to the town attorney for review. She asked the board if they chose to wait for the police chief's permission? The board collectively said no—permission is not necessary. Selectman Cook suggested the board let the police department know their personnel policy will go to the attorney. Selectman Kurk asked Mr. Christensen to send the police department a letter.

CODE OF ETHICS—Chairman Petrain asked the board if they want to send the code of ethics to the attorney or whether they want to discuss it as a board first. The board collectively decided to discuss the code of ethics at their next meeting.

3. ADMINISTRATIVE COORDINATOR'S REPORT

CHAIRMAN PETRAIN—suggested Mr. Christensen be placed on the agenda each week to review action items and convey resolutions so they are noted in the public record. She asked him to begin this evening.

MUNICIPAL LAWN CARE CONTRACT—Mr. Christensen will meet tomorrow with Mr. Jeff Denning and Mr. Chuck Metcalf to hammer out a new contract.

FUEL TANKS—Irving Oil four will install 4-tanks above ground at the South Weare Fire Station to serve the new furnace. The board signed the contract with Irving Oil earlier in the meeting.

BOND INTEREST—According to Mr. Christensen, the town treasurer recommended long ago that the board adopt a policy of holding bonds in non-interest bearing accounts. However, the town has not adopted the recommended policy and because of this, Mr. Jay Marden is entitled to receive the interest on his bond. Mr. Marden's check includes the interest accrued.

CEMETERY LAWN CARE—Contract signed by the board chairman.

VOUCHERS—Mr. Christensen told the board the finance administrator created a voucher as requested by the board for the total sum of \$30,000.00 to come from two separate capital reserve funds. \$20,000.00 from one fund and \$10,000.00 from another for purchase of a trash compactor. He indicated that Ms. Pierson would have the voucher ready for board signature tonight.

OUTDATED SERVER INFORMATION—Mr. Christensen said Ms. Merry Rice has updated the website today and that he and others are working toward updating website information on the various town departments and commissions.

LIBRARY STORAGE—Mr. Christensen told the board the library needs storage space between the 2nd and 3rd weeks of September.

POLICE COMMISSION RTK—According to Mr. Christensen, he believes he located the very last set of meeting minutes of the police commission. Mr. Forrest Esenwine, former police commission chairman located the last set of minutes. Mr. Christensen said he has learned that the police commission had a large gap of time where they did not meet on a regular basis. Mr. Christensen said he spoke with former Police Commissioner Frank Ferrante, who confirmed Mr. Esenwine's recollection of stalled meetings. Mr. Christensen has attempted to contact former Police Commissioner Brenda Lashway to confirm meeting irregularities.

TOWN WEBSITE—the board engaged in a discussion regarding who owns the town website domain name. Selectman Cook said he believes the town owns their own domain name. However, Chairman Petrain indicated that whenever she accesses that address, the Advance Digital Research page comes-up first. She said if you don't know how to navigate the site, you could access editorial commentary instead of town information. Chairman Petrain and Selectman Kurk want to know if there is some way to separate the town website from the Advance Digital Research site? Chairman Petrain would like this issue looked into. She doesn't want the town's website associated with a private company's website. She said if it is impossible to separate the two entities, then the town needs to change their domain name.

4. PUBLIC HEARING 8:35 P.M.

Chairman Petrain opened the public hearing to accept financial contributions for the Weare Community Profile Committee at 8:35 p.m. She recognized Mr. Wilbur Beaupre and yielded the floor. Mr. Beaupre detailed checks received from local business owners in the amount of \$4,150—deposited in the Weare Community Profile Trust. Mr. Beaupre indicated that someone has offered to donate food for the profile session, thus reducing the anticipated overhead cost. Mr. Beaupre noted that the Emma Sawyer Trust donated the largest sum of money, issuing a check for \$2,500. He asked the board if he could forward any remaining balance back to the Emma Sawyer Trust? The board agreed.

On April 19, 2004 UNH will host a Community Profile session in Weare, said Mr. Beaupre. Civic leaders, residents, business owners and others are welcome to attend and participate in the process.

Public officials may attend this UNH Community Profile planning session, said Mr. Beaupre, refuting the misconception that UNH bans public official attendance. He indicated that public officials are residents and more than welcome to attend the community profile meeting. Selectman Cook said New Boston had a community profile meeting last week and it was reportedly the most attended meeting in the state. Selectman Cook issued a challenge to Weare townspeople—let's beat New Boston's attendance, he said.

Selectman Kurk suggested the board remind the community periodically about the date and time. Chairman Petrain moved to accept contributions, Selectman Kurk seconded the motion and it passed unanimously. Chairman Petrain closed the public hearing at 8:45 p.m.

BUILDING ISSUE WITH WENDY CLARK—Ms. Clark obtained a building permit to build a 2-family home on Buzzell Hill road. When she applied for the permit the building inspector asked about windows and energy ratings. The building inspector asked for the sizes of the windows, she said. However, when she had her last home inspection from the contracted building inspector, he said the windows are a code violation. Ms. Clark contends the town approved her building permit based on the window size, type and style. She said it's a great expense to replace these windows. She understands the safety concern expressed by the building inspector, but she had a permit prior to installation of the windows. She does not want to replace the current windows due to cost and aesthetic appearance. She said replacing the windows will change the whole look of the house. And she cannot afford to replace 25-windows so they all match.

Selectman Cook said it's unfortunate the first building inspector approved the permit, but it's the town's responsibility to ensure the home is built to code. He said it's a life safety code issue, not one the board or town can waive.

Ms. Clark said the town cannot go back and change an item they already approved. She offered to install a sprinkler system in the bedrooms or on the second floor as opposed to replacing the windows. She asked if this was a reasonable compromise? Fire Chief Bob Richards said, per code, a sprinkler system would have to go on both floors. Ms. Clark asked about ladders, would that compensate for the windows? Ms. Clark said she intentionally sat down with the former building inspector to ensure they did things right. Chairman Petrain read the laws governing the town's liability in not catching potential building code violations. Ms. Clark represents a building company. Chairman Petrain said Ms. Clark, being a building contractor, should know it isn't possible for the board to waive a building code violation of this nature.

Fire Chief Richards said Ms. Clark could go to the State Fire Marshall's Office. He said only the fire marshal can waive a life safety code violation. Co-chairman Methot said he was sorry, but this is not something the board can waive.

FIRE DEPARTMENT UPDATE—Fire Chief Richards said night vision goggles arrived and soon they will train with them. Chief Richards announced his department has access to a satellite dish at the safety complex for video training at no cost to the fire department. They are sharing this technology with the Weare Police Department.

OLD ENGINE 2 / 1972 FORD—Chief Richards asked how the board wants to handle the decommissioned engine? Selectman Kurk said someone showed an interest to her recently. Chief Richards said he had someone approach him as well. Mr. Knapp expressed a desire to keep the engine to clean bridges. Chief Richards, Selectman Cook and a majority of the board, feel the DPW should take possession of the engine for bridge cleaning.

AMBULANCE LEASE—Chief Richards said if the new ambulance is ordered tonight the town will take delivery next April. Due to time constraints, Chief Richards does not want to delay the order any longer. He wants to get it ordered immediately. The board wanted to know if the town pays for the ambulance now or after delivery. Chief Richards said the finance administrator will find-out how the payment structure works. The chair asked the chief to obtain the information by the next meeting and they'll make a decision.

SUGARHILL STATION—Chief Richards said the walls are up, painting nearly done and the truck will be in service there soon.

2004 HOMELAND SECURITY GRANT—Chief Richards said he learned that he can use 2004 homeland security money for the purchase of new radios. He'd rather do that than using capital reserve funds for radios. Selectman Cook reminded Chief Richards to obtain a voucher for the trustees of the trust fund first.

RIGHT TO KNOW PROCEDURE 9:00 P.M.—Chairman Petrain opened discussion by saying access to public information should be as easy as possible. She noted that if the document is not readily available, then yes, they should fill out a form so town office personnel know what to look for. If it's a legal file, the person should probably fill out a form, she said. The public may go through the files on their own and flag what they want copied, said Chairman Petrain. She said she does not want to frustrate people to the point where they wind-up filing suit against the town. I don't want there to be an issue because we require them to complete so much paperwork, people will take the town to court, she said.

Selectman Kurk told Mr. Christensen the town has to provide public information as easy as possible. She agrees with the chair that people may inspect public information the town has on file. She said the law does not require people to tell the agency exactly what they are looking for or why they want it. . .She indicated that she cannot find a statement in RSA 91-A that requires people to sign their name or put a request for public information in writing. Selectman Kurk said other towns use a Right to Know form when information isn't readily available. She wants to look at other forms, like those of other towns, because those forms are more people friendly.

Ms. Sherry Butt Dunham asked the chair if she may speak to the issue, Chairman Petrain yielded the floor. Ms. Butt Dunham told the board as a journalist who worked in the field for over 10-years, town officials never required her to sign her name or fill-out a form prior to obtaining public records—this included state and local agencies. She discussed working amiably with public officials and law enforcement officials by waiting for investigations to conclude before receiving the file. She talked about asking for public and non-public records in person or over the phone and working around a town official's work schedule.

Ms. Butt Dunham noted the only time she would put a RTK request in writing is after meeting with obstinate town officials who ignored or denied verbal requests. She explained that reporters use written RTK requests to put town officials on the clock—to keep a paper trail of ignored requests in case the matter goes to court.

Ms. Butt Dunham said there is no benefit to adversarial relationships with town officials. That it behooves the public and the public official to work with one another and be mindful of each other's work schedules. She also noted that as a former daily newspaper reporter, it's disastrous and unnecessary to wait 5-days for a public record that is readily available. However, it's also unreasonable for someone to expect a public official to drop everything immediately if the request can wait a day or two. She said in certain instances, the public should cut town office personnel some slack and be mindful of their workload. She noted her working relationship with Chairman Petrain when she was the town administrative

coordinator as an example. She said on days that Ms. Petrain was buried with work; she would give her a heads-up on a record she needed and ask Ms. Petrain to provide the document at her convenience.

Chairman Petrain said she doesn't like to have people jump through hoops for public information if they don't have to. She agrees with Selectman Cook that the staff does not have to drop everything to fulfill a request for information.

Selectman Kurk reiterated that the law has no provision directing a person to leave their name when making a RTK request or tell a town official why they want certain information.

Selectman Cook said his main concern is the burden placed on town employees at the time of the request. He is worried about the amount of time involved in supervising the public's search through the files. He wonders if supervision is necessary? He doesn't have a problem with that idea, but he doesn't want town employees to drop what they are doing.

Selectman Cook said he and Ms. Pierson spoke about RTK requests recently. She said she has no problem with requests, but sometimes people ask her to do time consuming complicated calculations. According to Selectman Cook, Ms. Pierson said that people expect her to drop everything and do work the board hasn't even requested. Chairman Petrain said RSA 91-A clearly states she doesn't have to create a record if one does not exist. And if asked to create a record or a complicated calculation, she might inform people that it may take a little longer than five days. Ms. Pierson wanted to know how much time of her day or week she should devote to conducting research or completing a complicated calculation. Chairman Petrain said Ms. Pierson can give files to the requesting party for their inspection at the town office.

Selectman Cook and Chairman Petrain recommended that Ms. Pierson acknowledge a verbal request by sending the person a letter with a completion date. Ms. Pierson argued that calculating the general fund balance is in effect, creating a record. However Chairman Petrain said she is not creating something that she doesn't usually provide the town. Providing the public with the general fund balance is part of her job, said the chair. Chairman Petrain explained that if a person asked Ms. Pierson to create a unique spreadsheet, then she is under no obligation to fulfill that request—that is creating a public record that does not already exist.

Selectman Kurk read into the public record, a 2-paragraph summary of RSA 91-A drafted by the NH Bar Association:

The Right to Know Law allows any citizen to inspect all public records that are not exempt. The motives of the person seeking disclosure are irrelevant, if a document is a public record it must be made available to the public. The law also requires disclosure of notes, materials, tapes and other sources used in complying minutes of meetings. If the document is not available for immediate release the public body has five days to produce it, give a written reason for denying the request or give a written acknowledgement of the request and state when there will be a decision on the request.

Agencies have to maintain public records in a manner that makes them available to the public. An agency is not obligated to create any new documents or compile data in a certain format.

The board decided that the selectmen's office direct persons requesting public documents to the proper department. The board said if a person wants to inspect public documents show them the files and have them go at it. Selectman Kurk said it is not necessary for a person to sign their name if they ask for public documents. Selectman Cook suggested the department head may keep their own record of requests on a simple form. Not a form for the community to fill out a form that department head's fill-out. The board decided that verbal requests from the public are acceptable. Selectman Kurk noted that a person is under no obligation to leave their name, sign their name or request a public document in writing.

The board indicated they liked the simplicity of a form used by the Town of Henniker to record requests for public information for their own files. Selectman Kurk noted it's a people friendly document. Co-chairman Methot said the Henniker form is not something people complete—it's an item the town official completes. Chairman Petrain asked the board if they favored the Henniker form? A consensus of the board said they preferred the Henniker public official form. However, Selectman Cook didn't notice a big difference between the two forms. He said Weare's form details the reason for request denial. The board said deletions to the Weare form are necessary—the town will delete signature line and requested-by line.

Selectman Reynolds likes the idea of Weare modifying their form and using it as a town official form. Chairman Petrain said the town official has the option of using the form—it's not mandatory.

Mr. Christensen asked for clarification on the board's directive. The chair told Mr. Christensen to make available any public record from another department he has at the selectmen's office. If he does not have a copy of the requested item, he may direct that person to the proper department for assistance. Name on Weare form is optional, and signature line struck-out. The department heads are not required to fill out form, it's optional. The citizen is not required to fill-out the form.

Decorum and respect needs to flow both ways between town employees and the public requesting information from town officials, said Selectman Kurk and Selectman Cook.

OTHER NEW BUSINESS 9:30 P.M.

CORRESPONDENCE FROM LIBRARY—Motion to appoint Paul Perkins as an alternate to the library trustees. Motion seconded and passed unanimously.

MODES OF COMMUNICATION—Selectman Kurk would like to see the town office bulletin board reorganized by category and have departments maintain their sections weekly. She'd like the bulletin board in the back staircase moved to a more public gathering area. Selectman Kurk will work with Mr. Christensen to reorganize the bulletin board layout and let town committee's know they have space for public notices.

TOWN HALL MESSAGE SIGN—Selectman Kurk ask about the sign in front of the town hall—what is it for, what is it's purpose? She noted that sometimes things go up there and remain for several weeks and other times items aren't there long enough. She asked who is in charge of maintaining the messages on that sign? Chairman Petrain said many persons and organizations use that sign—mainly those persons who rent the town hall for functions. Selectman Kurk doesn't feel the sign is a great mode of communication the way its being used at this time—that's what people are saying to her, said Selectman Kurk. The board discussed placing a time limit on posted messages and requiring a date on event messages.

SELECTMAN COFFEE HOURS—Selectman Kurk proposed an informal meeting with people from the community perhaps coffee hours three times a year or so. It's more like a function—a networking function or coffee hour with the community, she said and perhaps they could meet in the Sawyer Room. Maybe in June, Oct. and Feb. Chairman Petrain is in favor as is Co-chair Methot—Selectman Kurk will spearhead the program.

LESLEY TODD WALK—Chairman Petrain said the letter should go to the police department. Mr. Christensen said the event organizer plans to approach the police and fire departments about parking.

TRAINING CONFERENECES 10:00 P.M.—Chairman Petrain referenced a memo sent by Mr. Christensen to town employees regarding training conferences. She said in light of the default budget, she wants town employees to be careful with conference spending. She noted that Primex offers free training that employees may take advantage of. Chairman Petrain wants any and all money conferences to come before the board for prior approval—especially those conferences that have travel and training fees. Selectman Petrain noted that the town is working on

a default budget and the board wants a memo sent to all the employees telling them conferences must come before the board for approval if it's a new conference. Selectman Reynolds wants to approve budgeted conferences as well because the board may attempt to curb spending in one area and move money into other budgetary areas.

LETTER OF RESIGNATION—Chairman Petrain noted that Steven Richardson resigned from the Benefit Review Committee for personal reasons. She accepted his resignation with regret. She said he was an active, dedicated participant on the committee. Chairman Petrain said the board will have to advertise for new benefit review committee members. She asked Mr. Christensen to advertise for citizens, run an election for employee members and check with the finance committee to see if any of their members have an interest in the committee. Selectman Kurk asked Mr. Richardson if he would please reconsider—he thanked her, but said for personal reasons he resigned. On April 8, the benefit review committee will meet; Chairman Petrain said canceling that meeting is prudent. Chairman Petrain thanked Mr. Richardson for his service.

SELECTMAN KURK LETTER INTO RECORD—Chairman Petrain read a memo from Selectman Kurk and placed her memo of recusal in the public record:

As you may know, I am an intervener in the G2003B LLC, et al v. Town of Weare. I believe it would be inappropriate for me to be involved in any way in this case in my capacity as selectman. Consequently, I hereby recuse myself from participation as a selectman in this matter. Please (a) make sure that I do not receive any lawsuit related written materials or e-mail messages from the board, from the town administrator or from town counsel and (b) excuse me from participating in any discussions with the board and town counsel in any decisions on lawsuit related matters.

CABLE COMMITTEE MEETINGS—Selectman Reynolds recommended meeting with Mr. Bohlin on May 3, 2004 and talk with him about scheduling regular meetings and perhaps maintaining the equipment. Chairman Petrain asked Mr. Christensen to inform Mr. Bohlin of the meeting with the board.

LONGEVITY FUNDING—Chairman Petrain discussed the finance administrator's memo.

WAC LETTER—Selectman Reynolds read an e-mail message. Selectman Reynolds acknowledged people for their voluntary work maintaining ball fields for the Weare Athletic Club. Mr. Nelson, the club president, wants volunteers recognized by the board. Another work session—Saturday at 8 a.m. at the town owned ball fields.

PUBLIC PARTICIPATION—Mr. Richardson took issue with Co-chair Methot's comments about Mr. Richardson referencing the wrong statute regarding administrative rules. He asked Co-chair Methot what RSA might cover his

concern? He asked the chair to ask Mr. Christensen to look up the statute and let him know which statute is correct. What constitutes a public hearing—that was his original question to Mr. Christensen.

5. NON-PUBLIC SESSION 10:17 P.M. (c) AGENDA ITEM CARL KNAPP

Chairman Petrain moved the board of selectmen to enter into non-public session at 10:17 p.m. pursuant to the authority granted in RSA 91-A:3 II (c) under an agenda item listed as Carl Knapp. Co-chairman Methot seconded the motion. A roll call vote was taken. Selectman Cook, yes; Selectman Kurk, yes; Chairman Petrain, yes; Selectman Reynolds, yes; Co-chairman Methot, yes—motion passed unanimously. Mr. Bob Christensen, Mr. Carl Knapp and Ms. Sherry Butt Dunham attended this session.

Chairman Petrain moved the board to exit non-public session at 10:55 p.m. Selectman Cook seconded the motion. A roll call vote was taken. Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes; Selectman Reynolds, yes; Co-chairman Methot, yes.

Chairman Petrain moved the board to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 II, Co-chairman Methot seconded the motion and a roll call vote was taken. Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes; Selectman Methot, yes; Selectman Reynolds, yes—motion passed unanimously.

6. ADJOURNMENT 10:55 P.M.

Chairman Petrain moved to adjourn the meeting at 10:55 p.m. Selectman Kurk seconded the motion—measure passed unanimously.

A True Record

Sherry Butt Dunham, *Recording Secretary*